

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 41552
	:	
Kelly, Mark, et al.	:	Confirmation Number: 6830
	:	
Application No.: 10/799,934	:	Group Art Unit: 1639
	:	
Filed: March 12, 2004	:	Examiner: Steele, Amber D.
	:	
For: NUCLEAR MAGNETIC RESONANCE ASSEMBLY OF CHEMICAL ENTITIES USING ADVANCED ANTENNA PROBES		

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically-transmitted to the United States Patent and Trademark Office on Apr 14, 2008.

/Lori Ford/

Lori Ford

TRANSMITTAL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following:

- ☒ Copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
- ☒ Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
- ☒ Computer Readable Form of Sequence Listing;
- ☒ Paper Copy of Sequence Listing (2 pages);

Application No.: 10/799,934

☒ Statement under 37 C.F.R. §1.825 (a) and (b).

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

/Deborah L. Cadena/

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Registration No. 44,048

4370 La Jolla Village Drive, Suite 700
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Facsimile: 858.597.1585
Date: April 14, 2008

**Please recognize our Customer No. 41552
as our correspondence address.**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1459
Alexandria, Virginia 22313-1450
www.uspto.gov

COPY

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/799,934

03/12/2004

Mark Kelly

066692-0097

6830

41552 7590 03/13/2008

MCDERMOTT, WILL & EMERY

4370 LA JOLLA VILLAGE DRIVE, SUITE 100

SAN DIEGO, CA 92122

RECEIVED
MAR 19 2008

MCDERMOTT, WILL & EMERY

EXAMINER

STEELE, AMBER D

ART UNIT PAPER NUMBER

1639

MAIL DATE DELIVERY MODE

03/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.


DOCKETED

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO. 10799934	FILING DATE 3/12/2004	FIRST NAMED INVENTOR KELLY ET AL.	ATTORNEY DOCKET NO. 066692-0097
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MCDERMOTT, WILL & EMERY
4370 LA JOLLA VILLAGE DRIVE, SUITE 700
SAN DIEGO, CA 92122

EXAMINER

Amber D.. Steele

ART UNIT	PAPER
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1639

20080303

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

1) The CRF received on December 21, 2007 contained various defects including improper responses for <213>, <221>, and <223> and a single variable residue (Xaa) in SEQ ID NOs: 1-4 depicting more than one amino acid. Please refer to the attached sequence error report (4 pages).

2) Applicant is given ONE MONTH from the date of this letter within which to comply with the Sequence Rules, 37 CFR 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136. In NO case may an applicant extend the period for response beyond the six month statutory period. Applicant is requested to return a copy of the attached Notice to Comply with the response.

3) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amber D. Steele whose telephone number is 571-272-5538. The examiner can normally be reached Monday through Friday 9:00AM-5:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Schultz can be reached at 571-272-0763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 3, 2008

/Amber D. Steele/
Patent Examiner, Art Unit 1639

Sequence Count Sheet

Application/Control No.

10/799,934

Examiner

Amber D. Steele

Applicant(s)

KELLY ET AL.

Art Unit

1639

DATE OF COUNT

Mark only one space below

- ☐ **(CRFN)** (CRF is unreadable; use CRF Diskette Problem Report)
- ☐ **(CRFD)** (CRF does not comply; use Notice to Comply)
- ☐ **(CRFR)** (CRF required but none submitted; use Notice to Comply)
- ☒ **(bona fide)** (second or subsequent letter to applicant reporting bona fide attempt to comply; use Notice to Comply and send copy of RSL)
- ☐ **(non bona fide)** (second or subsequent letter to applicant reporting non-bona fide attempt to comply; use Notice to Comply and send copy of RSL)

Sequence Listing could not be accepted due to errors.

See attached Validation Report.

If you need help call the Patent Electronic Business Center at (866) 217-9197 (toll free).

Reviewer: Durrreshwar Anjum

Timestamp: [year=2008; month=1; day=16; hr=11; min=43; sec=52; ms=551;]

Reviewer Comments:

Seq Id 1 through 4

If <213> responses are Artificial or Unknown, please give the source of genetic material on line <223>, the given response is insufficient.

<221> MOD_RES

<222> (2)

<223> Variable amino acid

<220>

<221> MOD_RES

<222> (5)..(7)

<223> Variable amino acid

<400> 2

Gly Xaa Gly Gly Xaa Xaa Xaa Gly

1

5

Sequences 1 through 4 contain 'xaa's representing more than one residue.

Per Sequence Rules, each 'Xaa' can only represent a single residue.

Please present the maximum number of each residue having variable length.

Application No: 10799934

Version No: 1.0

Input Set:

Output Set:

Started: 2007-12-21 20:44:31.352

Finished: 2007-12-21 20:44:32.352

Elapsed: 0 hr(s) 0 min(s) 1 sec(s) 0 ms

Total Warnings: 4

Total Errors: 7

No. of SeqIDs Defined: 4

Actual SeqID Count: 4

Error code	Error Description
W 402	Undefined organism found in <213> in SEQ ID (1)
W 402	Undefined organism found in <213> in SEQ ID (2)
E 257	Invalid sequence data feature in <221> in SEQ ID (2)
E 257	Invalid sequence data feature in <221> in SEQ ID (2)
W 402	Undefined organism found in <213> in SEQ ID (3)
E 257	Invalid sequence data feature in <221> in SEQ ID (3)
E 257	Invalid sequence data feature in <221> in SEQ ID (3)
E 257	Invalid sequence data feature in <221> in SEQ ID (3)
E 257	Invalid sequence data feature in <221> in SEQ ID (3)
W 402	Undefined organism found in <213> in SEQ ID (4)
E 257	Invalid sequence data feature in <221> in SEQ ID (4)

SEQUENCE LISTING

<110> KELLY, MARK
 VILLAR, HUGO
 WANG, JIANQIANG
 LEE, MIN S.
 QIN, YONG
 SEM, DANIEL S.

<120> NUCLEAR MAGNETIC RESONANCE ASSEMBLY OF CHEMICAL
 ENTITIES USING ADVANCED ANTENNA PROBES

<130> 066692-097

<140> 10799934
 <141> 2007-12-21

<150> 60/455,610
 <151> 2003-03-13

<160> 4

<170> PatentIn Ver. 3.3

<210> 1
 <211> 16
 <212> PRT
 <213> Unknown Organism

<220>
 <223> Description of Unknown Organism: Peptide

<400> 1
 Ile Pro Thr Thr Pro Ile Thr Thr Thr Tyr Phe Phe Phe Lys Lys Lys
 1 5 10 15

<210> 2
 <211> 8
 <212> PRT
 <213> Unknown Organism

<220>
 <223> Description of Unknown Organism: Peptide

<220>
 <221> MOD_RES
 <222> (2)
 <223> Variable amino acid

<220>
 <221> MOD_RES
 <222> (5)..(7)
 <223> Variable amino acid

<400> 2

Gly Xaa Gly Gly Xaa Xaa Xaa Gly
1 5

<210> 3
<211> 19
<212> PRT
<213> Unknown Organism

<220>
<223> Description of Unknown Organism: Peptide

<220>
<221> MOD_RES
<222> (2)
<223> Variable amino acid

<220>
<221> MOD_RES
<222> (4)..(9)
<223> Variable amino acid

<220>
<221> MOD_RES
<222> (11)
<223> Variable amino acid

<220>
<221> MOD_RES
<222> (13)..(18)
<223> This region may encompass 5 or 6 variable
amino acids

<400> 3
Lys Xaa Glu Xaa Xaa Xaa Xaa Xaa Ser Xaa Lys Xaa Xaa Xaa Xaa
1 5 10 15

Xaa Xaa Met

<210> 4
<211> 6
<212> PRT
<213> Unknown Organism

<220>
<223> Description of Unknown Organism: Peptide

<220>
<221> MOD_RES
<222> (2)
<223> Variable amino acid

<400> 4
Pro Xaa Asn Pro Thr Gly
1 5

Notice to Comply	Application No. 10799934	Applicant(s) KELLY ET AL.	
	Examiner Amber D. Steele	Art Unit 1639	

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set in the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
☒ 7. Other: See the attached PTO-90C and the 4 page sequence error report.

Applicant Must Provide:

☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application.
☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-2510
 For CRF Submission Help, call (571) 272-2501/2583.
 PatentIn Software Program Support

Technical Assistance.....703-287-0200
 To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

